

EXHIBIT 39

Robert Rauschenberger, PhD
Vice President Director, Human Factors



Key Expertise

- User Experience
- Usability
- Human Factors
- Product Design
- Medical Devices
- Product Liability
- Failure to Warn
- Class Actions
- Prop 65

Education

Post Doctoral Scholar, Psychology,
University of Arizona, 2001 - 2003
PhD, Experimental Psychology, The Johns
Hopkins University, 2001
BA, Liberal Arts, emphasis in Psychology
and Anthropology, Sarah Lawrence
College, 1996

Project Geographical Experience

U.S., Germany

Languages

English, German

Contact

48 Wall Street, 17th Floor,
New York, NY 10005 |
+1 929-696-0197 (O) |
+1 213-304-6598 (M) |
robert.rauschenberger@jsheld.com

Summary of Experience

Dr. Rauschenberger is currently the Vice President, Director of Human Factors at J.S. Held. He has over 25 years of experience conducting research on topics of visual attention and distraction, the organization of perceptual information, product design, user experience, risk communication effectiveness, and consumer decision-making. He leverages this experience in legal cases across industries, including product liability/failure to warn cases, class actions (both at the certification and at the merits stages), Proposition 65, and web design cases, for which he has testified in deposition and at trial, in both federal and state court. Dr. Rauschenberger has also designed and tested products across various industries and will continue to do so in J.S. Held's state-of-the-art scientific user research labs (URL), which are populated with highly degreed experts in their respective fields. J.S. Held's URL provides product safety and user experience (UX) research along the entire product lifecycle based on 50 years of human factors and failure analysis.

Over the past decade-plus, Dr. Rauschenberger has cultivated specific expertise in the evaluation of mixed reality (MR) products. His professional background also disposes him toward the evaluation of healthcare products and services. Given his work in both the reactive (failure analysis, litigation support) and proactive (user experience research) realms, Dr. Rauschenberger's user research is informed by insights gleaned from alleged product failures on the reactive side of his practice, and his expert witness testimony is given with the authority of someone who is actively engaged in the evaluation and development of products and services.

Speaking Engagements

Dr. Rauschenberger has been invited to give talks at, among other institutions, Harvard, Yale, Notre Dame, University of British Columbia, St. Andrews, Royal Holloway, and Microsoft Research Lab. He teaches a class annually at Arizona State University and at Drexel University.

Expert/Testifying Experience

Dr. Rauschenberger has testified in deposition and at trial in a variety of cases over the past decade-plus, including medical device product liability, consumer product failure to warn, Proposition 65, and class action lawsuits, both at the class certification and at the merits phase.

Professional Affiliations/Memberships/Licenses/Training

Psychonomic Society, Fellow
Vision Sciences Society, Member
NSERC, Canada, Committee Member
National Science Foundation, Reviewer
Research Foundation Flanders (FWO), Belgium, Reviewer
Attention, Perception & Psychophysics, Consulting Editor and Reviewer
Human Performance in Healthcare, HFES, Program Chair
Conference for Object Perception and Memory (OPAM), Organizer
European Conference on Visual Perception, Scientific Committee Member

Robert Rauschenberger, PhD
Vice President Director, Human Factors



Role at J.S. Held

Dr. Rauschenberger is Vice President Director of Human Factors and oversees J.S. Held's state-of-the-art scientific user research labs (URL) in Phoenix, AZ and New York, NY. J.S. Held's URL provides product safety and user experience (UX) research along the entire product lifecycle based on 50 years of human factors and failure analysis. Dr. Rauschenberger performs user research for industry-leading clients and serves as a scientific expert in product liability, Proposition 65, and class action litigation.

Work Experience

J.S. Held, LLC

Vice President Director Human Factors

2024 - Present

Exponent, Inc.

Principal, Human Factors

Head of Centers of Scientific User Research (CSUR)

2009 - 2023

Siemens Corporate Research, Inc.

Principal Scientist, User Experience

2005 - 2009

Harvard University

Associate, Psychology

2004 - 2005

MIT

Visiting Scholar, Brain and Cognitive Sciences

2004 - 2005

University of Arizona

Research Social Scientist, Psychology

2003 - 2004

Select Project Experience

Designed healthcare and consumer products now deployed in the marketplace.

Conducted national and international user studies, focus groups, workflow analyses, and contextual inquiries across a large range of product domains, from healthcare to consumer to industrial to automotive to online.

Assisted companies with development and evaluation of safety communication (product warnings, user manuals, marketing disclosures) for consumer, healthcare, and online products.

Assisted companies with 510(k) submissions to the FDA for clearance for marketing of medical devices by conducting human factors studies.

Testified as human factors expert in product liability, class action, and Proposition 65 cases.

Speaking Engagements

Robert Rauschenberger, PhD
Vice President Director, Human Factors



Rauschenberger, R., Fleming, D., Sobel, K., & Hyman, E. *A science-based approach for health and safety evaluations of virtual reality products*. Workshop given at the 2020 ICPHSO Annual Meeting and Training Symposium, Orlando, FL, February 2020.

Rauschenberger, R., & Hildebrand, E. *A product liability perspective on medical device development*. Paper presented at the Human Factors and Ergonomics Society Healthcare Symposium, Baltimore, MD, April 2015.

Heckman, G., Rauschenberger, R., Kim, R., Young, D., & Lange, R. *A comparative evaluation of rearview camera display locations: Collision avoidance outcomes and use patterns*. Paper presented at the SAE Government/Industry meeting, Washington, DC, January 2012.

Rauschenberger, R. *Human factors in product design and liability: The role of attention*. Paper presented at The West Coast Product Safety & Liability Conference: Presentations for Manufacturers by Leading Experts & Attorneys, Los Angeles, CA, March 2010.

Rauschenberger, R., & Yantis, S. *Attentional capture through levels of representation*. Poster presented at the Annual Meeting of the Association for Research in Vision and Ophthalmology, Fort Lauderdale, FL, May 1998.

Rauschenberger, R., & Yantis, S. *Search asymmetries revisited: A new theory of visual attention*. Poster presented at the Annual Meeting of the Psychonomic Society, Los Angeles, CA, November 1999.

Rauschenberger, R., & Yantis, S. *What can search asymmetries really tell us?* Paper presented at the Annual EPA Vision and Attention Meeting, Baltimore, MD, March 2000.

Rauschenberger, R., & Yantis, S. *Completing the picture: Representations of amodally completed objects in visual search*. Poster presented at the Annual Meeting of the Association for Research in Vision and Ophthalmology, Fort Lauderdale, FL, May 2000.

Rauschenberger, R., & Yantis, S. *What counts as a new object in the new-object hypothesis of attentional capture?* Poster presented at the Meeting of the Vision Sciences Society, Sarasota, FL, May 2001.

Rauschenberger, R., Peterson, M.A., Mosca, F., & Bruno, N. *A modified search task investigates an alternative to the two-stage model of amodal completion*. Poster presented at the Annual Meeting of the Vision Sciences Society, Sarasota, FL, May 2002.

Schulz, M.F., Rauschenberger, R., Peterson, M.A. *Amodal completion in passively viewed displays: A priming study*. Poster presented at the Annual Meeting of the Vision Sciences Society, Sarasota, FL, May 2002.

Liu, T., Rauschenberger, R., Slotnick, S.D., & Yantis, S. *Neural signatures of amodal completion*. Poster presented at the Annual Meeting of the Cognitive Neuroscience Society, New York, NY, March 2003.

Peterson, M.A., & Rauschenberger, R. *Context effects on border assignment in the target stimulus in visual search*. Poster presented at the Annual Meeting of the Vision Sciences Society, Sarasota, FL, May 2003.

Rauschenberger, R., Liu, T., Slotnick, S.D., & Yantis, S. *Cortical representation of pictorial occlusions in early visual areas and LOC*. Poster presented at the Annual Meeting of the Vision Sciences Society, Sarasota, FL, May 2003.

Skow-Grant, E., Rauschenberger, R., & Peterson, M.A. *Attention, not inhibition of return, tracks objects*. Paper presented at the 11th Annual Workshop on Object Perception, Attention, and Memory, Vancouver, Canada, November 2003.

Rauschenberger, R., & Peterson, M.A. *When unambiguous stimuli become ambiguous: Spatiotemporal context effects with nominally unambiguous stimuli*. Paper presented at the Annual Meeting of the Vision Sciences Society, Sarasota, FL, May 2004.

Rauschenberger, R., & Chu, H. *The effects of familiarity on encoding efficiency in visual search*. Poster presented at the Annual Meeting of the Vision Sciences Society, Sarasota, FL, May 2005.

Carlson, T.A., Rauschenberger, R., & Verstraten, F.A.J. *Cortical adaptation of unconscious perceptual representations*. Paper presented at the Annual Meeting of the European Conference on Visual Perception, A Coruña, Spain, August 2005.

Rauschenberger, R., & Lin, J.W. *Workflow analysis for patients' visits in VAMC audiology departments*. Paper presented at the Annual Meeting of the Association of VA Audiologists, Denver, CO, April 2007.

Chakraborty, I., Zheng, X.S., Lin, J., & Rauschenberger, R. *Computational eye movement model based on adaptive saliency map*. Paper presented at the Annual Fall Vision Meeting, Berkeley, CA, September 2007.

Robert Rauschenberger, PhD
Vice President Director, Human Factors



Invited Presentations

Rauschenberger, R. *Taking a "Q" from human factors: Visual search in HMI design*. Keynote address for the HFES Regional Conference, California State University Long Beach, Long Beach, CA, February 2011.

Rauschenberger, R. *Taking a "Q" from human factors: Visual search in HMI design*. Cognitive Science and Engineering Department, Arizona State University College of Technology & Innovation, January 2011.

Cognitive engineering for airport security screening. Simon Fraser University, Vancouver, BC, 2009.

When what you design is not what you get. Microsoft Research Lab, Redmond, WA, 2009.

An idiosyncratic perspective on visual search and perception. University of British Columbia, Vancouver, Canada, 2008.

An idiosyncratic perspective on visual search and perception. Notre Dame University, South Bend, IN, 2008.

When what you design is not what you get. Universität Bielefeld, Bielefeld, Germany, 2006.

When what you design is not what you get. Deutsche Luft- und Raumfahrtgesellschaft, Braunschweig, Germany, 2006.

When what you design is not what you get. School of Interactive Arts and Technology, Simon Fraser University, Vancouver, Canada, 2006.

Dynamic interactions in visual search displays: When less is more. Yale University, New Haven, CT, 2005.

Dynamic representations of the visual world. University of Arizona, Tucson, AZ, 2004.

Dynamic representations of the visual world. Royal Holloway University, London, UK, 2004.

Dynamic representations of the visual world. University of Delaware, Newark, DE, 2004.

Dynamic representations of the visual world. University of St. Andrews, St. Andrews, Scotland, 2004.

Dynamic interactions in visual search displays. Michigan State University, East Lansing, MI, 2004.

When more is less: Visual search difficulty and exposure time. Siemens Corporate Research, Princeton, NJ, 2004.

An idiosyncratic perspective on visual search and perception. Vision Sciences Laboratory, Harvard University, Cambridge, MA, 2004.

Attentional capture by auto- and allo-cues. Visual Attention Lab., Harvard Medical School, Cambridge, MA, 2004.

Dynamic representations of the visual world. University of North Carolina, Chapel Hill, NC, 2003.

Masking unveils visual representations in the brain. University of Arizona, Tucson, AZ, 2001.

Masking unveils visual representations in the brain. Sarah Lawrence College, Bronxville, NY, 2000.

Selected Publications

Lewis, R.C., Rauschenberger, R., Kalmes, R. (2021). Hand-to-mouth and other hand-to-face touching behavior in a quasi-naturalistic study under controlled conditions. *Journal of Toxicology and Environmental Health, Part A: Current Issues*, 84, 49-55.

Rauschenberger, R., Barakat, B. (2020). Health and safety of VR use by children in an educational use case. *Proceedings of the 2020 IEEE Conference on Virtual Reality and 3D User Interfaces*, Atlanta, GA. (Nominated for Best Paper IEEE VR 2020.)

Lester, B.D., Larson, R., Dosch, I., Fowler, G., & Rauschenberger, R. (2020). Perception of terrain slope in real and virtual environments. *Proceedings of the 11th International Conference on Applied Human Factors and Ergonomics*, San Diego, CA.

Lester, B.D., Hashish, R., Kim, R., Moorman, H., Hildebrand, E., Schwark, J., Rauschenberger, R., & Young, D. (2016). Mobile device usage influences gaze patterns to obstacles during locomotion. *Proceedings of the Industrial & Systems Engineering Research Conference*, Anaheim, CA.

Barakat, B., Crump, C., Cades, D., Rauschenberger, R., Schwark J, Hildebrand E, Young D. (2015) Eye tracking evaluation of driver visual behavior with a forward collision warning and mitigation system. *Proceedings of the Human Factors and Ergonomics Society 59th Annual Meeting*, Los Angeles, CA.

Robert Rauschenberger, PhD
Vice President Director, Human Factors



Rauschenberger, R., Sala, J.B., & Wood, C.T. (2015) Product warnings and the involuntary capture of attention. *Proceedings of the Human Factors and Ergonomics Society 59th Annual Meeting*, Los Angeles, CA.

Schwark, J., Fowler, G., Larson, R., & Rauschenberger, R. (2015) An investigation of operator performance in All-Terrain Vehicle (ATV) handling and control. *Procedia Manufacturing*, 20, 1567-1574.

Crump, C., Cades, D., Rauschenberger, R., Hildebrand, E. et al. (2015). Driver reactions in a vehicle with collision warning and mitigation technology. SAE Technical Paper 2015-01-1411. doi:10.4271/2015-01-1411.

Crump, C., Cades, D., Rauschenberger, R., Hildebrand, E.A., & Young, D.E. (2014). Dynamic on-road method for evaluation of Advanced Driver Assistance System (ADAS). *Proceedings of the 3rd Annual World Conference of the Society for Industrial and Systems Engineering*, San Antonio, TX (pp. 77-81). ISBN: 97819384960-2-8.

Rauschenberger, R., Wood, C.T., & Sala, J.B. (2013). Human factors and the design of medical devices. In J.B. Reiss (Ed.), *Bringing your medical device to market* (pp. 215-226). Washington, DC: Food and Drug Law Institute.

Kuzel, M.J., Cohen, H., Cohen, J., & Rauschenberger, R. (2013). Evaluation of mobile eye tracking for forensic analysis of pedestrian falls. *Proceedings of the Human Factors and Ergonomics Society 57th Annual Meeting*, San Diego, CA.

Heckman, G.M., Kim, R.S., Lin, S., Rauschenberger, R., Young, D.E., & Lange R. (2012). Drivers' visual behavior during backing tasks: Factors affecting the use of rearview camera displays. *Proceedings of the Human Factors and Ergonomics Society 56th Annual Meeting*, Boston, MA.

Kim, R., Rauschenberger, R., Heckman, G., Young, D., & Lange, R. (2012). Efficacy and usage patterns for three types of rearview camera displays during backing up. *Proceedings of the Society of Automobile Engineers World Congress*, Detroit, MI.

Zheng, X.S., Kiekebosh, J., & Rauschenberger, R. (2011). Attention-aware human-machine interface to support video surveillance task. *Proceedings of the Human Factors and Ergonomics Society 55th Annual Meeting*, Las Vegas, NV.

Sala, J.B., Nichols, E.A., Muhammad, R., Lakhiani, S.D., Rauschenberger, R., & Wood, C.T. (2010). Government, warnings, and safety information: A comparison of inter-agency regulations and guidance. In W. Karwowski & G. Salvendi (Eds.), *Advances in Human Factors, Ergonomics, and Safety in Manufacturing and Service Industries* (pp. 1047-1056). Boca Raton, FL: CRC Press.

Rauschenberger, R. (2010). Reentrant processing in attentional guidance — Time to abandon old dichotomies. Invited editorial. *Acta Psychologica*, 135, 109-111.

Rauschenberger, R., Lin, J.J.W., Zheng, X.S., & Lafleur, C. (2009). Subset search for icons of different spatial frequencies. *Proceedings of the Human Factors and Ergonomics Society 53rd Annual Meeting*, San Antonio, TX.

Zheng, X.S., Chakraborty, I., Lin, J.J.W., Rauschenberger, R. (2009). Correlating low-level image statistics with users' rapid aesthetic and affective judgments of web pages. *Long Paper presented at the 2009 CHI conference*, Boston, MA. (Nominated for Best Paper CHI 2009.)

Carlson, T.A., Rauschenberger, R., & Verstraten, F.A.J. (2007). No representation without awareness in the Lateral Occipital complex. *Psychological Science*, 18, 298-302.

Zheng, X.S., Sapundshiev, I., & Rauschenberger, R. (2007). WikiTable: A new tool for collaborative authoring and data management. *HCI*, 15, 501-508.

Zheng, X.S., Chakraborty, I., Lin, J.J.W., & Rauschenberger, R. (2008). Developing metrics to predict users' perceptions of interface design. *Proceedings of the Human Factors and Ergonomics Society 52nd Annual Meeting*, New York, NY.

Rauschenberger, R., & Yantis, S. (2006). Perceptual encoding efficiency in visual search. *Journal of Experimental Psychology: General*, 135, 116-131.

Rauschenberger, R., Liu, T., Slotnick, S.D., & Yantis, S. (2006). Temporally unfolding neural representation of pictorial occlusion. *Psychological Science*, 17, 358-364.

Rauschenberger, R., & Chu, H. (2006). The effects of familiarity on encoding efficiency in visual search. *Perception & Psychophysics*, 68, 770-775.

Robert Rauschenberger, PhD
Vice President Director, Human Factors



Rauschenberger, R., Mosca, F., Peterson, M.A., & Bruno, N. (2004). Amodal completion in visual search: Preemption or context effects? *Psychological Science*, 15, 351-355.

Rauschenberger, R. (2003). When something old becomes something new: Spatiotemporal object continuity and attentional capture. *Journal of Experimental Psychology: Human Perception and Performance*, 29, 600-615.

Rauschenberger, R. (2003). Attentional capture by auto- and allo-cues. *Psychonomic Bulletin & Review*, 10, 814-842.

Rauschenberger, R., & Yantis, S. (2001). Masking unveils pre-amodal completion representation in visual search. *Nature*, 410, 369-372.

Rauschenberger, R., & Yantis, S. (2001). Attentional capture by globally-defined objects. *Perception & Psychophysics*, 63, 1250-1261.

Enns, J.T., Austen, E.L., DiLollo, V., Rauschenberger, R., & Yantis, S. (2001). New objects dominate luminance transients in setting attentional priority. *Journal of Experimental Psychology: Human Perception and Performance*, 27, 1287-1302.